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**Legislative Decree No. (19) of 1983
amending some provisions of the Civil and Commercial Procedures Law**

We, Isa Bin Salman Al Khalifa, Emir of the State of Bahrain;

Having reviewed the Constitution,

Emiri Order No. (4) of 1975;

And the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971 and amended by Legislative Decree No. (8) of 1978 and Legislative Decree No. (9) of 1980;

And upon the submission of the Minister of Justice and Islamic Affairs;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

Two new Articles No. (8) bis and No. (147) bis shall be added to the Civil and Commercial Procedures Law, which read as follows:

**Article (8) bis:**

"The court of urgent matters is ruled by a judge designated by the Minister of Justice and Islamic Affairs. His jurisdiction covers all urgent lawsuits, except those falling within the jurisdiction of the Shariaa courts, even if the lawsuit normally falls within the jurisdiction of another court. However, this does not prevent the jurisdiction of the trial court to adjudicate urgent matters raised in response to the original application.

The urgent matters judge may adjudicate temporarily without prejudice to the fundamental right in urgent matters where there is a risk of wasting time.

The urgent matters Judge may issue a temporary decision without prejudice to the fundamental right in urgent matters where there is a risk of wasting time.

The urgent lawsuit is initiated by submitting a statement of claim to the Lawsuits Registration Department. This department, on the day of submitting the statement of claim, shall schedule a hearing to the lawsuit within a minimum period of twenty-four hours. When absolutely necessary and by order of the urgent matters judge, this time limit may be shortened to one hour.

The claimant is notified of the summons when submitting the statement of claim, by means of a notice on the original of the statement. The other litigants concerned are also informed of both the statement of claim and the summon.

Except for the provided, the provisions regarding filing the lawsuits and their notification shall apply to urgent lawsuits. The time limit for appeal against provisions in urgent matters is ten days from the date of its issuance or notification to the convicted person, in accordance with the provisions of Article (216).

In the appealing procedures, the procedures established for urgent lawsuits are followed, provided that the jurisdiction to adjudicate appeals from judgments handed down by the urgent matters judge be to the High Civil Court, regardless of the type of lawsuit involved.

It is not permitted to appeal against the opposition or requesting a review of judgments made in urgent matters.”

**Article (147) bis:**

"A person who fears the loss of material evidence that may become disputed before the court may ask an urgent matters judge, in the presence of the parties concerned and in accordance with the procedures provided for the submission of an urgent matters lawsuit, to visit in order to carry out an inspection. In this event, the provisions mentioned in the two preceding articles must be complied with."

"The urgent matters judge is authorised to nominate an expert to visit the site, carry out inspections and hear witnesses without taking oath. In this case, the judge must schedule a hearing to allow the litigants to express their observations on the expert's report and his work, in accordance with the rules set out in the specific chapter on expertise."

**Article Two**

The texts of Articles 121, 179 and 180 of the Civil and Commercial Procedure Law shall be replaced with the following texts:

**Article (121):**

"A person who fears that he will not have an opportunity to summon a witness on a matter that has not been and is likely to be brought before the court may request an urgent matters judge to hear that witness in the presence of the concerned parties. This request shall be made in accordance with the procedures established for the submission of an urgent lawsuit."

When this is ascertained necessary, the judge shall rule that the witness shall be heard provided the incident may be proven by the witnesses' testimony.

The rules and procedure previously mentioned regarding hearing the witness apply in hearing the witnesses. In this case a copy of the records of the enquiry may not be delivered or submitted to the judiciary unless the Court in question finds upon examination that the fact may lawfully be proven by testimony of witnesses. The other litigant may object the admissibility of this evidence, as he may ask for defence witnesses to be heard on his behalf.

**Article (179):**

"The Court may issue its order referred to in the two preceding Articles urgently without summoning the other party. This party has the right to protest against the order before the issuing Court within eight days of issuance, and the Court may uphold, amend or revoke the order without prejudice to the provisions of Article (198) of this Law.

**Article (180):**

"An Urgent Matters Judge may order at the request of the interested parties and in accordance with the procedures established for filing urgent lawsuits, the assignment of a judicial custodian for the reserved funds or in dispute, where the right to such funds is not established with certainty and is exposed to imminent danger. The custodian is responsible for protecting and managing the funds, while reporting to the person who proves the right to the funds, under the supervision of the court. However, this measure does not apply if all interested parties agree to appoint a specific custodian."

**Article Three**

 Article (177) of the Civil and Commercial Procedures Law shall be repealed.

**Article Four**

The Minister of Justice and Islamic Affairs shall implement this Law and shall come into force following the lapse of one month from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

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